

**Minutes
Bar Harbor Planning Board
September 16, 2009
Council Chambers – Municipal Building
93 Cottage Street**

I. CALL TO ORDER — 6:00 p.m.

Members Present: Kevin Cochary, Chair; Lynn Williams, Vice Chair; Buck Jardine, Secretary; Kay Stevens-Rosa, member. Also present: Anne Krieg, Planning Director; Brian Madigan, Staff Planner; Lee Bragg, Town Attorney.

Ms. Stevens-Rosa arrived at 6:30pm.

II. EXCUSED ABSENCES

There were none.

III. ADOPTION OF THE AGENDA

Ms. Williams suggested continuing item 5B on the agenda as requested per email communication from the applicants legal representative Mr. Andy Hamilton.

Ms. Williams moved to continue the project hearing to the October 21, 2009 Planning Board Meeting. Mr. Jardine seconded the motion and the Board voted unanimously to approve the motion.

Mr. Jardine moved to adopt the agenda as amended. Ms. Williams seconded the motion and the Board voted unanimously to approve the motion.

IV. APPROVAL OF MINUTES

September 2, 2009 Minutes

Ms. Williams moved to approve the minutes from the September 2, 2009 meeting. Mr. Jardine seconded the motion and the Board voted unanimously to approve the motion.

V. REGULAR BUSINESS

A. Continuation of a Public Hearing – SP-09-02 – West Street Hotel

Project Location: West Street, Bar Harbor Tax Map 104, Lots 113-118, 122, 123, 143, 144, 146, 147, 149

Applicant: North South Construction Inc.

Application: Hotel and Accessory Uses

Mr. Cochary noted that the Board attended a site visit to the property on Monday.

Mr. Salvatore presented the changes made to the site plan and architectural drawings. Mr. Salvatore stated the habitable space on the fifth floor had been eliminated in this

new plan. He added that the revised plan also depicts other buildings in the area to show that the height of the proposed hotel is not out of scale in relation to many other buildings in Town.

Mr. Salvatore also stated the traffic study would be submitted tomorrow, and that this study shows proposed changes to Rodick Street would improve traffic circulation in Bar Harbor. The applicant also stated that they were in negotiation with their abutting property owners and were hoping to reach an agreement that would improve access to each loading area.

The applicant stated the room count had been reduced to 110. Ms. Krieg, Mr. Jardine, and Mr. Salvatore discussed how the applicant arrived at this number as the site and architectural plans depict 117 rooms. Ms. Krieg stated that suites that adjoin with a door, but open separately to the hall would be counted as separate rooms.

The applicant stated the roof area above Lennox Place would be vacant and serve only as a fake façade.

Ms. Krieg stated the Town was waiting for third party review fees from the applicant so that they could begin reviewing the sewer plans. The applicant stated that they were aware of this fee. Ms. Krieg added that she would not recommend the Board act upon the project until this fee has been paid and the study had been completed.

Mr. Jardine inquired into the definition of green space and asked Mr. Bragg to clarify if a parking structure meets the definition of a building.

Mr. Cochary noted several discrepancies between the architectural and site plan drawings with regard to the location of doors that open to the street.

Ms. Stevens-Rosa stated that the architectural plans do not comply with the ADA requirements of Maine's Civil Rights Act.

The applicant and the Board debated the definition of a Front Lot Line as it relates to green space totals. Mr. Bragg stated that he would prepare a response to Mr. Jardine's inquiry which would help determine if the green space within the alcoves behind the front lot line of the building could in fact be counted toward the green space total.

Mr. Bearor, a representative for David Witham, asked the Board/Staff to implement a policy to notify interested parties.

Mr. Jardine moved to continue the project to the October 7, 2009 Planning Board Meeting. Ms. Williams seconded the motion and the Board voted unanimously to approve the motion.

B. Zoning Map Amendment Request - Jordan-Fernald Funeral Homes
Project Location: Eden Street, Map 103 Lot 52

Applicant: Jordan-Fernald Funeral Homes

Application: Request zoning map amendment

This project was continued to the October 21, 2009 Planning Board Meeting.

C. Continuation of Completeness Review – SP-09-05 – Proposed Verizon Wireless Telecommunications Facility

Project Location: 854 State Highway 3 Bar Harbor Tax Map 202, Lot 061

Applicant: Verizon Wireless

Application: Construct a wireless telecommunications facility at 854 State Highway 3 (also known as the Sweet Pea Farm)

Mr. Jardine disclosed that he maintains part time employment with the company that owns the property where the project would be located. Ms. Stevens-Rosa moved not to recuse Mr. Jardine and to allow him to remain on the Board to review the project. Ms. Williams seconded the motion and the Board voted unanimously to approve the motion.

Mr. Gordon Smith, a representative for the applicant, stated the proposed design could be co-located. Mr. Smith stated the leaf and needle display is not portrayed entirely accurately on the engineering plan, and the design of the actual monopine could be modified a bit.

Mr. Kelly, Planner for Acadia National Park, stated that he presented the photo of an Eastern White Pine because such trees often extend above the tree line and hoped that the applicant might be able to replicate this design with their proposed monopine.

Mr. Jardine asked the applicant to look at the ratio of the trunk in relation to the branches. He suggested that this ratio could be improved if the appearance was more like a real tree.

Mr. Kelly presented an analysis of the view of the tower from a canoeist perspective on Northeast Creek and provided an explanation of what the maps presented show. He added that the analysis was conducted for the applicant with no compensation. He stated that the data shows you can see the monopine from the creek, but does not describe the extent of the visual impact.

Ms. Williams moved to find the application complete and to schedule it for Public Hearing on October 7. Mr. Jardine seconded the motion and the Board voted unanimously to approve the motion.

D. Completeness Review – SD-08-04 – Vicki Hall Subdivision

Project Location: Eagle Lake Road (near the entrance of MDI High School), Bar Harbor Tax Map 224, Lot 15

Applicant: Vicki Hall

Application: Project proposes to divide one lot into two parcels.

Mr. Cochary was recused and left the chambers.

Mr. Musson, a representative for the applicant, provided an overview of the project proposal. He also submitted a revised site plan noting the changes that were made.

Mr. Musson explained why the extent of wetland B is not depicted on the Site Plan and noted that the wetland has been mapped, but the landowner did not give consent for the information to be added to the record. Mr. Musson passed around a copy of the survey which indicated that wetland B is in fact less than two acres.

The Board, Ms. Krieg, and the applicant discussed their stance on the dilemma of whether or not the wetlands are one in the same, or effectively split by the road. Mr. Musson stated that he believed these issues were resolved during the sketch plan review phase of the project.

Mr. Jardine asked if the Board would be setting a precedent in approving the project. Mr. Bragg stated an approval would not set any precedent.

Mr. Jardine moved to find the application complete and schedule the project for a public hearing for October 7th. Ms. Sevens-Rosa seconded the motion and the Board voted unanimously to approve the motion.

VI. OTHER BUSINESS

A. Street Ordinance

Ms. Krieg asked if the Board was receptive to switching the order of the agenda to review this item before item VII on the agenda. The Board accepted.

Ms. Krieg provided an overview of her memo to the Board. She provided an in depth review of why she felt the ordinance is necessary. The primary reasons include safety, connectivity, and the prevention of overdue burden on collector roads.

Mr. Cochary added that he would not want to see the requirement unnecessarily burden certain landowners. He asked Staff to devise a way to evaluate whether an exemption to the rule could be given under certain circumstances.

B. Rules of Procedure

Ms. Krieg stated that she would like a stipulation added that all contact with the Board must be made through the Department. A Public Hearing for the adoption of amendments to the Rules of Procedure was scheduled for October 7, 2009.

VII. PLANNING DIRECTOR'S REPORT

A. Spring 2010 Land Use Ordinance Amendments

Progress report on the adoption of the Eden Street Gateway Corridor, West Street Historic District, and New Village Area and the August 18, 2009 Neighborhood Meeting, and September 8, 2009 Economic Development Task Force Meeting.

Mr. Madigan provided an overview to the Board of the Departments work on this project. Ms. Krieg provided an explanation of process involved in adopting new ordinances.

Mr. Benore a representative for the West Street Historic District Neighborhood Association stated generally that: 1) The residents of West Street would not like any further commercialization of West Street; 2) The residents of West Street would like Multifamily Dwelling Unit 1 removed from the table of permitted uses for their district; and 3) There was no consensus on the bed and breakfast issue.

B. Doug Maffucci – Agricultural Business District

Mr. Maffucci gave an overview of what he feels the future of the Salsbury Cove Corridor Zoning District could include. He stated that he felt a district which would allow farmers to do commercial operation would create a unique niche market in Bar Harbor.

The Board was receptive to the idea and Ms. Krieg stated she would incorporate the ideas when drafting zoning ordinance updates for this area.

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

There were none.

IX. ADJOURNMENT

Ms. Williams moved to adjourn the meeting. Ms Stevens-Rosa seconded the motion and the Board voted unanimously to adjourn. The meeting was adjourned at 9:32pm.

Minutes prepared by Staff Planner Brian Madigan for Planning Board Review at their October 7, 2009 meeting

Signed as approved:

Clyde L. Jardine, Jr., Secretary
Planning Board, Town of Bar Harbor

Date